

**IN THE U.S. DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FIELDTURF USA, INC. and FIELDTURF, INC.	:	CIVIL ACTION NO. 06-CV-02515 (LDD)
	:	
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
SPECIALTY SURFACES INTERNATIONAL, INC. d/b/a SPRINTURF, INC. and HENRY JULICHER	:	
	:	
Defendant.	:	
	:	

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**ORDER**

AND NOW, this \_\_\_\_\_ day of July, 2006 upon consideration of the Unopposed Motion of Defendants, Specialty Surfaces International, Inc. d/b/a Sprinturf, Inc. and Henry Julicher for an Extension of Time to Respond to the Complaint.

It is hereby ORDERED and DECREED that the motion is GRANTED and Defendants shall have until Wednesday, July 12, 2006 within which to move, answer or otherwise plead to the Complaint.

\_\_\_\_\_  
Honorable Legrome D. Davis, U.S.D.C.

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FIELDTURF USA, INC. and FIELDTURF, INC.	:	CIVIL ACTION NO. 06-CV-02515 (LDD)
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	:	
Defendant.	:	
	:	

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO THE  
COMPLAINT**

Defendants, Specialty Surfaces International, Inc. d/b/a Sprinturf, Inc. and Henry Julicher (collectively "Sprinturf") by and through their attorneys hereby move for an extension of time within which to move, answer or otherwise plead to the Complaint of the Plaintiffs, Fieldturf USA, Inc. and Fieldturf, Inc. ("Fieldturf") and in support of this motion state the following:

1. Pursuant to the docket entries in this matter: (a) this action was commenced by Fieldturf on June 13, 2006, by filing of a Complaint against Defendants, Specialty Surfaces International, Inc. d/b/a Sprinturf, Inc. and Defendant Henry Julicher; (b) on June 14, 2004 the Complaint was served upon Henry Julicher and Specialty Surfaces International, Inc. d/b/a Sprinturf, Inc. according to an Affidavit of Service which was filed with the Court on June 26, 2006.

2. The law firm of Klehr, Harrison, Harvey, Branzburg & Ellers ("Klehr Harrison") was retained by Defendants on July 5, 2006 to represent Sprinturf.

3. On July 5, 2006 Klehr Harrison through Don P. Foster, Esquire sent an email to Mitchell Bach at MBach@escm.com, the email address listed on the cover sheet accompanying the Complaint advising that Klehr Harrison had just been retained and had not yet seen the summons and requesting a one week extension of time in which to respond to the Complaint either by Answer or Motion. A true and correct copy of this email is attached as Exhibit A.

4. Also on July 5, 2006 Klehr Harrison through Don Foster, Esquire sent a letter via facsimile to Mitchell Bach, Esquire with courtesy copies sent via facsimile to Sheldon Kivell and Elizabeth S. Gallard of Eckert, Seamans Cherin, and Mellott, LLC all attorneys listed in the Complaint stating that Klehr Harrison had just been retained and requesting an extension of time for one week to respond to the Complaint. A true and correct copy of this letter is attached as Exhibit B.

5. Mr. Foster received a response from Ann in Mr. Bach's office stating that Mr. Bach "has no objection to an extension of time for one week." A copy of this email is attached as Exhibit C.

6. No prejudice will result to Fieldturf if the extension is granted.

7. However, prejudice will inure to Defendants, Specialty Surfaces International, Inc. d/b/a Sprinturf, Inc. and Henry Julicher if the motion is not granted in that Fieldturf would be in a position to request a judgment by default.

8. Accordingly, Defendants, Specialty Surfaces International, Inc. d/b/a Sprinturf, Inc. and Henry Julicher request that the court grant this motion and allow them until Wednesday, July 12, 2006 within which to move, answer or otherwise plead to Fieldturf's Complaint.

WHEREFORE, Defendants, Specialty Surfaces International, Inc. d/b/a Sprinturf, Inc. and Henry Julicher respectfully request that the court enter an Order granting their Unopposed

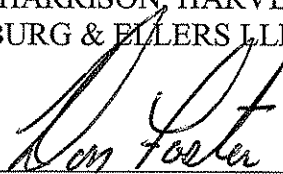
Motion and giving them an extension until July 12, 2006 within which to move, answer or otherwise plead to the Complaint.

Respectfully submitted,

Dated: July 5, 2006

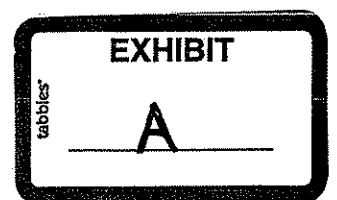
KLEHR, HARRISON, HARVEY,  
BRANZBURG & ELLERS LLP

By:

A handwritten signature in black ink, appearing to read "Don Foster", is written over a horizontal line.

Don P. Foster  
260 S. Broad Street  
Philadelphia, PA 19102-5003

Attorney For Defendants, Specialty  
Surfaces International, Inc. d/b/a  
Sprinturf, Inc. and Henry Julicher



**Don Foster - no. 2:06-cv-02515 EDPA**

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**From:** Don Foster  
**To:** MBach@eckertseamans.com  
**Date:** 7/5/2006 10:43 AM  
**Subject:** no. 2:06-cv-02515 EDPA

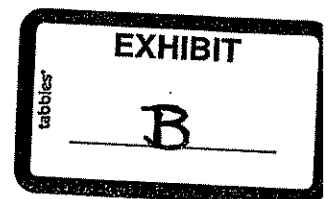
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Mitchell;

We have just been retained to represent the defendants in the above matter. I have located the docket and see that an Affidavit has been filed stating that service was made on June 14 by hand-delivery at Sprinturf offices. I have no reason to dispute that, but I have not seen the Summons.

The date for filing an Answer or Motion is today. I am writing to request a one week extension of time withing which to respond. Please let me know of this is acceptable and I will prepare a Stipulation and Order.

Don Foster  
Klehr Harrison Harvey  
Branzburg & Ellers  
260 S. Broad Street  
Philadelphia, Pa. 19102  
215-569-4646  
[dfoster@klehr.com](mailto:dfoster@klehr.com)



**KLEHR, HARRISON, HARVEY, BRANZBURG & ELLERS LLP**  
ATTORNEYS AT LAW

**DON P. FOSTER**  
Direct Dial: (215) 569-4646  
DFoster@klehr.com

260 S. BROAD STREET  
PHILADELPHIA, PA 19102

(215) 568-6060  
FAX: (215) 568-6603

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July 5, 2006

**New Jersey Office**  
457 Haddonfield Road  
Suite 510  
Cherry Hill, New Jersey 08002-2220  
(856) 486-7900

**Delaware Office**  
919 Market Street  
Suite 1000  
Wilmington, Delaware 19801-3062  
(302) 426-1189

**VIA FACSIMILE**

Mitchell L. Bach, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
1515 Market Street, Ninth Floor  
Philadelphia, PA 19102

**RE: Fieldturf International, Inc. and Fieldturf, Incorporated vs. Specialty  
Surfaces International, Inc. d/b/a Sprinturf, Inc.  
Civil Action No.: 2:06-cv-02515 EDPA**

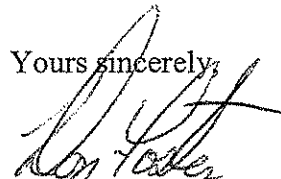
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Yours sincerely,

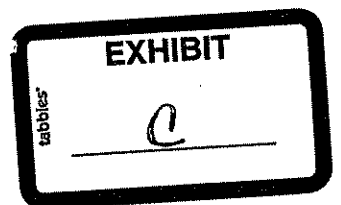


Don P. Foster

DPF:sm

Enclosure





**From:** <MBach@eckertseamans.com>  
**To:** "Don Foster" <DFOSTER@klehr.com>  
**Date:** 7/5/2006 2:24:02 PM  
**Subject:** Re: no. 2:06-cv-02515 EDPA

Mr. Foster: Mitchell has asked me to forward to you copies of the return of service forms in this case. Also, he has no objection to an extension of time for one week.

Ann(See attached file: m0556586.pdf)(See attached file: m0556584.pdf)

Mitchell L. Bach  
Eckert Seamans Cherin & Mellott, LLC  
1515 Market Street, Ninth Floor  
Philadelphia, Pa 19102

Phone: 215.851.8466  
Fax: 215.851.8383  
Cell: 215.429.0100  
mbach@eckertseamans.com

"Don Foster"  
<DFOSTER@klehr.com>  
m>  
To  
Mitchell L Bach/ESCM@ESCM  
07/05/2006 10:43 AM  
cc  
Subject  
no. 2:06-cv-02515 EDPA

Mitchell;

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Branzburg & Ellers  
260 S. Broad Street  
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215-569-4646  
dfoster@klehr.com

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**CC:** <MBach@eckertseamans.com>

**CERTIFICATE OF SERVICE**

I certify that on July 5, 2006, I served a copy of the Unopposed Motion of Defendants, Specialty Surfaces International, Inc. d/b/a Sprinturf, Inc. and Henry Julicher for an Extension of Time to Respond to the Complaint, upon the following persons, addressed as follows, in the manner indicated below:

**VIA HAND DELIVERY**

Mitchell L. Bach, Esquire  
Sheldon Kivell, Esquire  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
1515 Market Street, Ninth Floor  
Philadelphia, PA 19102

A handwritten signature in black ink, appearing to read "Don Foster", written over a horizontal line.

Don P. Foster